

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23, 708 Third Street South, Suite 200E, Minneapolis, MN 55415
2. **Nature and/or Description of the Action Being Processed:** This is a new requirement for a Firm-Fixed-Price Procurement.

Manufacturer/Contractor: MAXIM HEALTHCARE SERVICES, INC.
Manufacturer/Contractor POC & phone number: Nick Bradley – 303-817-7237
Mfgr/Contractor Address: 7227 LEE DEFOREST DRIVE, COLUMBIA, MD 21046-3236
Dealer/Rep address/phone number: Nick Bradley – 303-817-7237

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Hospitalist for care of inpatients on medical and ICU wards. The service line will have discretion to schedule providers tour of duties. Typical tours are one of 2 shifts, 7AM to 7PM or 7PM to 7AM. Some weekends may be required. All work is in-house, and will require physical presence at the facility. Hospitalists also respond to code situations by rotation, and provides back up to emergency department; consequently both BLS and ACLS are required.
4. **Statutory Authority Permitting Other than Full and Open Competition:** *48 USC (3160)(c)(3), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately cite for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.*

- ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
☒ (2) Unusual and Compelling Urgency per FAR 6.302-2;
☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
☐ (4) International Agreement per FAR 6.302-4
☐ (5) Authorized or Required by Statute FAR 6.302-5;
☐ (6) National Security per FAR 6.302-6;
☐ (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

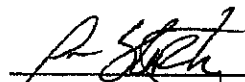
b. **Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))** - Station had a sudden extended leave of Hospitalist. Also, a Hospitalist that was supposed to transition from a contractor employee to a permanent VA employee pulled out from their accepted position due to personal reasons, even after months of effort had been put in to find a favorable way to transition the

provider. This has left the station vulnerable to a lack of coverage which will likely negatively impact patient care if not immediately addressed. Providers performing duties of Hospitalists would not impact the Emergency Department Contract due to recent hires and an additional FTE gained from the Veterans Choice Act.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Hiring efforts have been ongoing for this requirement, but due to unforeseen circumstances of a Hospitalist out on extended family leave, and an offered employee had to pull out of the job offer due to personal reasons. These 2 actions left a critical shortage in the Hospitalist roles that could have a mission-stopping effect on Inpatient Services at the Fargo VAMC. Due to the time constraints of the urgent need, there is not sufficient time for an RFQ to be posted.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Contracting Officer will determine the price to be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No Market Research was conducted due to no time and urgency of the situation in order to minimize impact to patient care.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
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11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** Hiring efforts are in progress with the use of a Physicians Recruiter that has provided positive results in hiring more permanent staff that has reduced the number of needed contracts, and will continue efforts to overcome this obstacle.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


(This signature is the requestor's supervisor, joint several point official, during of service, someone with responsibility and accountability)


JIMMY L. STERLING
Acting ACOS, PC/SM SL
FARGO VA HCS

13 Jan 15
Date


13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.** This part is filled out by Contracting Staff as part of the justification

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


KAREN A. COX
CONTRACTING OFFICER
NETWORK CONTRACTING OFFICE 23

13 January 2015
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition *and approve for other than full and open competition*


JULIE A. STOUT
NCO/PCO 23 MEDICAL SERVICES BRANCH CHIEF
NETWORK CONTRACTING OFFICE 23

14 Jan 2015
Date